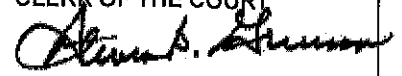


EXHIBIT “A”

EXHIBIT “A”

Electronically Filed
12/29/2020 2:08 PM
Steven D. Grierson
CLERK OF THE COURT



1 **COMP**

2 **ERIC R. BLANK, ESQ.**

3 Nevada Bar No. 06910

4 **DARREN J. LACH, ESQ.**

5 Nevada Bar No. 09606

6 **BRANDON C. VERDE, ESQ., LL.M.**

7 Nevada Bar No. 14638

8 **ERIC BLANK INJURY ATTORNEYS**

9 7860 W. Sahara Avenue, Suite 110

10 Las Vegas, NV 89117

11 Telephone: (702) 222-2115

12 Facsimile: (702) 227-0615

13 E-mail: service@ericblanklaw.com

14 *Attorneys for Plaintiff*

CASE NO: A-20-827093-C

Department 2

10 **DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

12 MIGUEL ANGEL ARIZMENDI MARTINEZ, an
13 individual,

Case No.:

Dept. No.:

14 **Plaintiff,**

15 vs.

COMPLAINT

16 SMITH'S FOOD & DRUG CENTERS, INC., a
17 foreign corporation; DOE & ROE MAINTENANCE
18 EMPLOYEES; DOE & ROE MAINTENANCE
19 COMPANIES; DOE & ROE EMPLOYEES; DOE &
20 ROE EMPLOYERS; DOE OWNERS I-V; ROE
OWNERS I-V; ROE EMPLOYERS I-V; DOES I-V;
and ROE COMPANIES I-V,

21 **Defendants.**

22 Plaintiff, MIGUEL ANGEL ARIZMENDI MARTINEZ, individually, by and through his
23 counsel, ERIC R. BLANK, ESQ., DARREN J. LACH, ESQ., and BRANDON C. VERDE, ESQ.,
24 LL.M., of the ERIC BLANK INJURY ATTORNEYS, and for Plaintiff's causes of action against the
25 Defendants, and each of them, complains and alleges as follows:
26
27
28

1 1. This Court has subject matter jurisdiction over this matter pursuant to NRS 4.370(1), as
2 the matter in controversy exceeds \$15,000.00, exclusive of attorney's fees, interest, and costs.

3 2. This Court has personal jurisdiction in this matter, as the incidents, transactions, and
4 occurrences that comprise the basis of this lawsuit took place in Clark County, Nevada.

5 3. Upon information and belief, at all times relevant hereto, Plaintiff MIGUEL ANGEL
6 ARIZMENDI MARTINEZ (hereinafter "Plaintiff") was and is a resident of Clark County, Nevada.

7 4. Upon information and belief, at all times relevant hereto Defendant SMITH'S FOOD &
8 DRUG CENTERS, INC. (hereinafter "Defendant") was and is a foreign corporation doing business in
9 Clark County, Nevada.
10

11 5. Upon information and belief, at all times relevant to the incident that is the subject of this
12 litigation, that DEFENDANT DOE & ROE EMPLOYEES and/or DEFENDANT DOE & ROE
13 MAINTENANCE EMPLOYEES (hereinafter collectively referred to as "DEFENDANTS") were
14 residents of Clark County, Nevada and were acting within the course and scope of their employment with
15 DEFENDANTS, and each of them.
16

17 6. Upon information and belief, at all times relevant to the incident that is the subject of this
18 litigation, that DEFENDANT DOE & ROE EMPLOYERS I-V employed Defendants, and each of them,
19 and were doing business in the State of Nevada.
20

21 7. Upon information and belief, at all times relevant to the incident that is the subject of this
22 litigation, that DEFENDANT DOE & ROE MAINTENANCE COMPANIES and DOE & ROE
23 OWNERS were doing business in the State of Nevada.
24

25 8. That the true names and capacities, whether individual, corporate, partnership, associate or
26 otherwise, of Defendants DOES I-V and ROE COMPANIES I-V are unknown to Plaintiff, who therefore
27 sues said Defendants by such fictitious names.
28

9. Plaintiff is informed and believes, and thereon alleges, that each of Defendants designated herein as DOE or ROE is responsible in some manner for the events and happenings referred to and caused damages proximately to Plaintiff, as herein alleged, and that Plaintiff will ask leave of Court to amend this Complaint to insert the true names and capacities of Defendants DOES and ROES when the same have been ascertained, and to join such Defendants in this action.

10. On or about December 31, 2018, Plaintiff, was shopping in the Defendant's store, located at 350 N. Sandhill Blvd., Mesquite, Nevada 89027. At the time of the subject incident, Plaintiff was shopping in the Defendant's store when unexpectedly an employee of Defendants hit Plaintiff with a cart causing him to fall to the ground. As a result of the fall, Plaintiff suffered severe injuries, great pain and anxiety .

CAUSES OF ACTION

11. Plaintiff incorporates by this reference all of the allegations of paragraphs 1 through 10, above, as though completely set forth herein.

12. That upon information and belief, at all times relevant to this action, Defendant and/or Defendant DOE OWNER and/or Defendant ROE OWNER and/or Defendant MAINTENANCE COMPANY and/or Defendant ROE COMPANY, and each of Defendants (hereinafter "Defendants"), were the owners or lessees and occupied, operated, and/or maintained and controlled those premises located at 350 N. Sandhill Blvd., Mesquite, Nevada 89027, commonly known as SMITH'S wherein they actively operated and/or maintained and/or controlled said premises.

13. That on or about December 31, 2018, and for some time prior thereto, Defendants (by and through their authorized agents, servants, and employees, acting within the course and scope of their employment), negligently and carelessly owned, maintained, operated, occupied, and controlled the

1 Premises, and failed to provide adequate safety training for operating shopping carts, causing Plaintiff
2 severe damages as a result of Defendants negligence.

3 14. That on or about December 31, 2018, and for some time prior thereto, Defendants, and
4 each of Defendants (by and through their authorized agents, servants, and employees, acting within the
5 course and scope of their employment), negligently and carelessly owned, maintained, operated,
6 occupied, and controlled the subject cart in that an employee of Defendant negligently operated a cart that
7 collided with Plaintiff.
8

9 15. That on or about December 31, 2018, and for some time prior thereto, Defendants, and
10 each of Defendants (by and through their authorized agents, servants, and employees, acting within the
11 course and scope of their employment), negligently and carelessly owned, maintained, operated,
12 occupied, and controlled the Premises, thereon, in that Defendants permitted, allowed and caused said
13 unsafe condition Defendants knew or should have known through the exercise of ordinary care and
14 diligence that the lack of training of operating carts or lack of supervision placed and/or maintained
15 created an unreasonably dangerous condition for anyone walking in the area, and more particularly
16 Plaintiff.
17
18

19 16. At all times herein concerned or relevant to this action, each of Defendants acted by and
20 through their duly authorized agents, servants, workmen and/or employees, then and there acting within
21 the course of their employment and scope of their authority, for each of Defendants.
22

23 17. That the carelessness and negligence of each of Defendants breached Defendants' duty(s)
24 owed to Plaintiff, including, but not limited to, the following acts, to-wit:

25 (a) Failure to provide safe walkways for Plaintiff to walk in/on the Premises;

26 (b) Failure to warn Plaintiff of the oncoming impact of the cart;

27 (c) Failure to properly supervise the employee that caused the cart to collide with Plaintiff;
28

1 (d) Failure to provide adequate training measures, safety protocols, and more specifically training
2 on cart usage that would have prevented the subject incident;

3 (e) Negligent hiring, training and supervision; and

4 (f) Respondeat Superior;

5
6 18. That Defendants' breaches of their duties directly and proximately caused the injuries and
7 damages to Plaintiff.

8 19. That each of Defendants may have violated certain statutes, ordinances and building
9 codes, which Plaintiff prays leave of Court to insert the exact statutes or ordinances or codes at the time
10 of the trial.

11
12 20. That on or about December 31, 2018, Plaintiff, as a direct and proximate result of the said
13 negligence and carelessness of Defendants, and each of them, was caused to suffer the injuries and
14 damages hereinafter set forth when he was impacted by the cart and fell to the ground as a result of
15 negligent use of the cart and the negligent and careless placement and/or maintenance of said cart, lack of
16 supervision of the subject employee and lack of training on safety protocol, and use of carts.

17
18 21. By reason of the premises, and as a direct and proximate result of the aforesaid negligence
19 and carelessness of each of Defendants, Plaintiff was injured in and about the left ankle, left knee and left
20 hip, and extremities and body, and caused to suffer great pain of body and mind, all or some of the same
21 are chronic and may result in permanent disability and are disabling, all to Plaintiff's damage in an
22 amount in excess of Fifteen Thousand Dollars (\$15,000.00).

23
24 22. By reason of the Premises, and as a direct and proximate result of the aforesaid negligence
25 and carelessness of each of Defendants, Plaintiff has been caused to incur medical expenses in excess of
26 Fifteen Thousand Dollars (\$15,000.00) and will in the future be caused to expend monies for medical
27 expenses and additional monies for miscellaneous expenses incidental thereto, in a sum presently
28

1 unascertainable, which Plaintiff will pray leave of Court to insert the total amount of the medical and
2 miscellaneous expenses when the same have been fully determined at the time of the trial of this action.

3 23. Prior to the injuries complained of herein, Plaintiff was an able-bodied person, capable of
4 engaging in all activities for which Plaintiff was otherwise suited.

5 24. By reason of the Premises, and as a direct and proximate result of the negligence of
6 Defendants, and each of them, Plaintiff was caused to be disabled and limited and restricted in Plaintiff's
7 occupations and activities, which caused Plaintiff a loss of wages in a presently unascertainable amount,
8 which Plaintiff will pray leave of Court to insert herein when the same shall be fully determined.

9 25. Plaintiff has been required to retain the law firm of ERIC BLANK INJURY
10 ATTORNEYS to prosecute this action, and is entitled to reasonable attorney's fees, prejudgment interest
11 and costs.

12 26. Defendants, and each of them, willfully, grossly, negligently, and with conscious
13 disregard for the health and safety of others, including but not limited to Plaintiff, failed to properly
14 and adequately maintaining the subject walkway and/or provide proper and adequate warning of the
15 dangerous condition, and injured Plaintiff as alleged herein, and Defendants should be held
16 accountable for such actions and punitive damages imposed against said Defendants.

17 27. The actions and/or omissions of Defendants, and each of them, failed to remedy the
18 dangerous condition on their premises and put life and safety at risk for Plaintiff and other invitees.

19 28. The actions and/or omissions of Defendants, and each of them, which were willful,
20 reckless, grossly negligent, and done with conscious disregard for the health and safety of members of
21 the community, including but not limited to Plaintiff, were in direct violation of the laws, statutes,
22 ordinances which exist for the safety of persons and property of others, including but not limited to
23 Plaintiff, and those actions entitle Plaintiff to the imposition of punitive damages against Defendants.
24
25
26
27
28

1 WHEREFORE, Plaintiff expressly reserve the right herein to include all items of damages and
2 demands judgment against the Defendants, and each of them, as follows:

- 3 1. General damages for Plaintiff in an amount in excess of \$15,000.00;
- 4 2. Special damages for Plaintiff's medical and miscellaneous expenses as of this date,
5 plus future medical expenses, and the miscellaneous expenses incidental thereto in a
6 presently unascertainable amount in excess of \$15,000.00;
- 7 3. Special damages for lost wages in a presently unascertainable amount and/or
8 diminution of the earning capacity of said Plaintiff, plus possible future loss of earnings
9 and/or diminution of said Plaintiff's earning capacity in a presently unascertainable
10 amount;
- 11 4. Special damages for incurred property damage and other incidental damages;
- 12 5. For punitive damages and/or exemplary damages in excess of \$15,000.00;
- 13 6. Costs of this suit, attorney's fees, and prejudgment interest; and
- 14 7. Any other relief as the Court may deem just and proper in the premises.
- 15 8. Plaintiff herein demands a trial by jury.

16 DATED this 29th day of December, 2020.

17 By: /s/ Darren J. Lach
18 **ERIC R. BLANK, ESQ.**
19 Nevada Bar No. 006910
20 **DARREN J. LACH, ESQ.**
21 Nevada Bar No. 009606
22 **BRANDON C. VERDE, ESQ., LL.M.**
23 Nevada Bar No. 14638
24 **ERIC BLANK INJURY ATTORNEYS**
25 7860 W. Sahara Avenue, Suite 110
26 Las Vegas, NV 89117
27 *Attorneys for Plaintiff*
28

Electronically Filed
1/11/2021 2:50 PM
Steven D. Grierson
CLERK OF THE COURT

Steven D. Grierson
Job # 11919

AFFIDAVIT OF SERVICE

Client Info:

Eric Blank Injury Attorneys
7860 W. Sahara Ave., Ste. 110
Las Vegas, NV 89117

Case Info:

PLAINTIFF: MIGUEL ANGEL ARIZMENDI MARTINEZ, an individual, -versus- Defendant: SMITH'S FOOD & DRUG CENTERS, INC., a foreign corporation; DOE & ROE MAINTENANCE EMPLOYEES; DOE & ROE MAINTENANCE COMPANIES; DOE & ROE EMPLOYEES; DOE & ROE EMPLOYERS; DOE OWNERS I-V; ROE OWNERS I-V; ROE EMPLOYERS I-V; DOES I -V; and ROE COMPANIES I-V,	District Court Court Division: Dept. No.: 2 County of Clark, Nevada Issuance Date: 12/30/2020 Court Case # A-20-827093-C
---	---

Service Info:

Date Received: 12/30/2020 at 09:51 AM
Service: I Served SMITH'S FOOD & DRUG CENTERS, INC., a foreign corporation
With: SUMMONS-CIVIL; COMPLAINT; INITIAL APPEARANCE FEE DISCLOSURE (NRS CHAPTER 19); DISTRICT COURT
CIVIL COVER SHEET
by leaving with Kris, AUTHORIZED TO ACCEPT

At Business RA: CORPORATION SERVICE COMPANY - 112 N. CURRY ST. CARSON CITY, NV 89703

Latitude: 39.164188
Longitude: -119.768164

On 1/4/2021 at 10:18 AM

Manner of Service: CORPORATE

SERVICE: was performed by delivering a true copy of this SUMMONS-CIVIL; COMPLAINT; INITIAL APPEARANCE FEE DISCLOSURE (NRS CHAPTER 19); DISTRICT COURT CIVIL COVER SHEET to: Kris, AUTHORIZED TO ACCEPT at the address of: RA: Corporation Service Company - 112 N. Curry St. Carson City, NV 89703 with an agent lawfully designated by statute to accept service of process, pursuant to NRS 14.020, a person of suitable age and discretion at the address, which address is the address of the resident agent as shown on the current certificate of designation filed with the Secretary of State or entities usual place of business.

I Jon Salisbury, acknowledge that I am authorized to serve process, in good standing in the jurisdiction wherein the process was served and I have no interest in the above, action. Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

Signature of Server: *Jon Salisbury*

Jon Salisbury

Lic # 2100

LV Process and Investigations, LLC

License #2039

10829 Whipple Crest Ave.

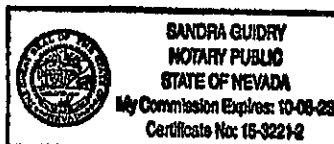
Las Vegas, NV 89166

Phone: (702) 592-3283

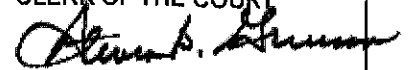
Our Job # 11919

SUBSCRIBED AND SWORN to before me this 8th day of January 2021, by Jon Salisbury
Proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Sandra Guidry
NOTARY PUBLIC for the state of Nevada



Electronically Filed
1/25/2021 12:00 PM
Steven D. Grier
CLERK OF THE COURT



1 ANSC
JERRY S. BUSBY
2 Nevada Bar #001107
GREGORY A. KRAEMER
3 Nevada Bar #010911
COOPER LEVENSON, P.A.
4 3016 West Charleston Boulevard - #195
Las Vegas, Nevada 89102
5 (702) 366-1125
FAX: (702) 366-1857
6 jbusby@cooperlevenson.com
gkraemer@cooperlevenson.com
7 Attorneys for Defendant
SMITH'S FOOD & DRUG CENTERS, INC.

8
9 DISTRICT COURT

10 CLARK COUNTY, NEVADA

11 MIGUEL ANGEL ARIZMENDI
MARTINEZ, an individual,
12
13 Plaintiff,

14 vs.

15 SMITH'S FOOD & DRUG CENTERS, INC.,
a foreign corporation; DOE & ROE
16 MAINTENANCE EMPLOYEES; DOE &
ROE MAINTENANCE COMPANIES; DOE
17 & ROE EMPLOYEES; DOE & ROE
EMPLOYERS; DOE OWNERS I-V; ROE
18 OWNERS I-V; ROE EMPLOYERS I-V;
DOES I-V; and ROE COMPANIES I-V,
19 Defendants.

CASE NO.: A-20-827093-C
DEPT. NO.: II

**DEFENDANT SMITH'S FOOD & DRUG
CENTERS, INC.'S ANSWER TO
PLAINTIFF'S COMPLAINT**

20
21 COMES NOW, Defendant, SMITH'S FOOD & DRUG CENTERS, INC., by and through its
22 attorney of record, JERRY S. BUSBY, ESQ., of the law firm COOPER LEVENSON, P.A., and hereby
23 answers Plaintiff's Complaint on file herein as follows:

24 **I.**

25 Paragraphs 1, 2 and 16 of Plaintiff's Complaint state a legal conclusion which is the sole
26 province of the Court to determine. This answering Defendant therefore denies said Paragraphs.

27 ///

28 ///

1 II.

2 This answering Defendant states that it does not have sufficient knowledge or information upon
3 which to base a belief as to the truth of the allegations contained in Paragraphs 3, 5, 6, 7, 8, 9, 10, 12, 19
4 and 23 of Plaintiff's Complaint and upon said ground, denies each and every allegation contained
5 therein.

6 III.

7 This answering Defendant admits the allegations contained in Paragraph 4 of Plaintiff's
8 Complaint.

9 IV.

10 This answering Defendant, in response to Paragraph 11 of Plaintiff's Complaint, incorporates
11 herein by reference each and every answer previously alleged to the Paragraphs which the Plaintiff
12 has realleged by incorporation.

13 V.

14 This answering Defendant denies each and every allegation contained in Paragraphs 13, 14,
15 15, 17, 18, 20, 21, 22, 24, 25, 26, 27 and 28 of Plaintiff's Complaint.

16 **AFFIRMATIVE DEFENSES**

17 **FIRST AFFIRMATIVE DEFENSE**

18 Plaintiff did not use reasonable diligence to care for his injuries, thereby aggravating said
19 injuries as a result. Therefore, Plaintiff's claims against this answering Defendant should be denied,
20 or any recovery reduced in proportion to said negligence of Plaintiff.

21 **SECOND AFFIRMATIVE DEFENSE**

22 At the time and place alleged in Plaintiff's Complaint, and for a period of time prior thereto,
23 Plaintiff did not exercise ordinary care, caution, or prudence for the protection of his own safety, and
24 injuries and damages complained of by Plaintiff in the Complaint, if any, were directly and
25 proximately caused or contributed to by the fault, failure to act, carelessness, and negligence of
26 Plaintiff, and therefore Plaintiff's claims against this answering Defendant should be denied, or any
27 recovery reduced in proportion to said negligence of Plaintiff.

28 ///

1 WHEREFORE, this answering Defendant prays that Plaintiff take nothing by virtue of his
2 Complaint on file herein; for costs and disbursements incurred in this action; and for such other and
3 further relief as to the Court may deem proper.

4 Dated this 25th day of January, 2021.

5 COOPER LEVENSON, P.A.

6
7 By /s/ Jerry S. Busby
8 Jerry S. Busby
9 Nevada Bar #001107
10 Gregory A. Kraemer
11 Nevada Bar #010911
12 3016 West Charleston Boulevard - #195
13 Las Vegas, Nevada 89102
14 Attorneys for Defendant
15 SMITH'S FOOD & DRUG CENTERS, INC.
16
17
18
19
20
21
22
23
24
25
26
27
28

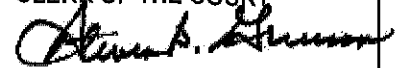
CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of COOPER LEVENSON, P.A. and that on this 25th day of January, 2021, I did cause a true copy of the foregoing **DEFENDANT SMITH'S FOOD & DRUG CENTERS, INC.'S ANSWER TO PLAINTIFF'S COMPLAINT** to be served upon each of the parties listed below via electronic service through the Eighth Judicial District Court's Odyssey E-File and Serve System:

Darren J. Lach, Esq.
ERIC BLANK INJURY ATTORNEYS
7860 West Sahara Avenue – Suite 110
Las Vegas, NV 89117
Attorneys for Plaintiff

By /s/ Theresa H. Rutkowski
An Employee of
COOPER LEVENSON, P.A.

Electronically Filed
2/12/2021 5:26 PM
Steven D. Grierson
CLERK OF THE COURT



ERIC R. BLANK, ESQ.

Nevada Bar No. 06910

DARREN J. LACH, ESQ.

Nevada Bar. No. 09606

ERIC BLANK INJURY ATTORNEYS

7860 W. Sahara Avenue, Suite 110

Las Vegas, Nevada 89117

Telephone: (702) 222-2115

Facsimile: (702) 227-0615

E-mail: service@ericblanklaw.com

Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

MIGUEL ANGEL ARIZMENDI MARTINEZ, an
individual,

Plaintiff,

vs.

SMITH'S FOOD & DRUG CENTERS, INC., a
foreign corporation; DOE & ROE MAINTENANCE
EMPLOYEES; DOE & ROE MAINTENANCE
COMPANIES; DOE & ROE EMPLOYEES; DOE &
ROE EMPLOYERS; DOE OWNERS I-V; ROE
OWNERS I-V; ROE EMPLOYERS I-V; DOES I-V;
and ROE COMPANIES I-V,

Defendants.

Case No.: A-20-827093-C

Dept. No.: 19

**PLAINTIFF'S REQUEST FOR
EXEMPTION FROM ARBITRATION**

Plaintiff MIGUEL ANGEL ARIZMENDI MARTINEZ (hereinafter "Plaintiff"), by and through
his undersigned counsel ERIC R. BLANK, ESQ., and DARREN J. LACH, ESQ., of ERIC BLANK
INJURY ATTORNEYS, hereby requests that the above-entitled matter be exempted from arbitration
pursuant to Nevada Arbitration Rules 3 and 5, as this case:

1. ____ presents a significant issue of public policy;
2. X involves an amount in issue in excess of \$50,000.00, exclusive of interest and costs;

3. _____ presents unusual circumstances which constitute good cause for removal from the program.

The relevant facts are summarized below.

I. FACTS OF THE CASE

This is a premises negligence case arising from an incident which occurred on or about December 31, 2018, wherein Plaintiff MIGUEL ANGEL ARIZMENDI MARTINEZ was shopping at Defendant's store located at 350 N. Sandhill Blvd., Mesquite, Nevada 89027, when unexpectedly an employee of Defendant's store hit Plaintiff with a cart causing him to fall to the ground. As a result of the fall, Plaintiff suffered severe injuries, great pain and anxiety.

II. DAMAGES

Plaintiff sustained significant injuries as a result of the subject incident, including, but not limited to, injuries to his left knee, left leg, left ankle, and left hip.

Plaintiff presented to Randa Bascharon, D.O. of Orthopedic & Sports Medicine Institute of Las Vegas on January 7, 2019, for left knee pain. Dr. Bascharon ordered an MRI of the Left Lower Extremity on January 7, 2019, at SimonMed. The MRI of the Left Knee found a horizontal cleavage type tear to the body and anterior horn of the lateral meniscus, and a nondisplaced fracture to the proximal tibia, with intra-articular extension through the tibial spine. Plaintiff was recommended and received a Left Knee Arthroscopy with Partial Meniscectomy of the Lateral Meniscus, Limited Chondroplasty of the Patellofemoral Joint on January 30, 2020, at Centennial Hills Hospital and Medical Center by Dr. Bascharon. Plaintiff continues to suffer pain in his left shin and leg as a result of Defendant's negligent actions.

Plaintiff's known medical specials, to date, are:

MEDICAL PROVIDERS	DATES OF SERVICE	AMOUNT
ORTHOPEDIC & SPORTS MEDICINE INST. OF NV	01/07/2019 -- 03/02/2020	\$8,090.00
SIMONMED IMAGING	01/07/2019 -- 01/20/2020	\$1,151.20
LAS VEGAS PHARMACY, INC.	01/20/2020 -- 01/20/2020	\$397.64

CENTENNIAL HILLS HOSPITAL	01/30/2020 – 01/30/2020	\$52,928.00
VALLEY ANESTHESIOLOGY CONSULTANTS	01/30/2020 – 01/30/2020	\$800.00
TOTAL MEDICAL DAMAGES		\$63,366.84

KNOWN MEDICAL EXPENSES

Plaintiff further anticipates his attorneys will consult with and/or retain an expert(s) to evaluate his future care needs and evaluate the loss of household services estimated to have resulted as a direct result of his injuries sustained from the Defendant's alleged negligence.

These damages, in conjunction with Plaintiff's pain and suffering and loss of value of life, are appropriately determined by a trier of fact and should therefore be considered under the Nevada Arbitration Rules in assessing the value of this case.

III. CONCLUSION

Plaintiff's above-described injuries necessitated medical care and treatment, have caused permanent and disabling symptoms that affect his daily living and enjoyment of life, and are anticipated to require future treatment. In conjunction with Plaintiff's known past medical damages, future medical expenses, life expectancy, lack of symptoms prior to this incident, young age, and ongoing left leg pain, the foregoing has a certain probability of a jury verdict in excess of \$50,000.00. As such, this matter should be allowed to proceed to jury trial.

///

///

///

///

///

///

///

///

1 I hereby certify pursuant to N.R.C.P. 11, this case to be within the exemption marked above and
2 to be aware of the sanctions that may be imposed against any attorney or party who without good cause
3 or justification attempts to remove a case from the arbitration program.

4 DATED this 12th day of February, 2021.

6 By: /s/ Darren J. Lach

7 **ERIC R. BLANK, ESQ.**

Nevada Bar No. 06910

8 **DARREN J. LACH, ESQ.**

Nevada Bar No. 09606

9 **ERIC BLANK INJURY ATTORNEYS**

10 7860 W. Sahara Avenue, Suite 110

11 Las Vegas, Nevada 89117

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

Pursuant to NEFCR 9, NRCF 5(b) and EDCR 7.26, I certify that on this date, I served the foregoing: **PLAINTIFF'S REQUEST FOR EXEMPTION FROM ARBITRATION** on the following parties, by the selected means:

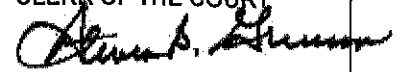
Jerry S. Busby, Esq.
Gregory A. Kraemer, Esq.
COOPER LEVENSON, P.A.
3016 West Charleston Blvd. - #195
Las Vegas, Nevada 89102
Attorney for Defendant

☒ Odyssey eFileNV
☐ FACSIMILE
☐ U.S. MAIL

DATED this 12th day of February, 2021.

/s/ Elia Barrientos
An Employee of Eric Blank Injury Attorneys

Electronically Filed
3/3/2021 12:03 PM
Steven D. Grierson
CLERK OF THE COURT



CDRG

DISTRICT COURT

CLARK COUNTY, NEVADA

Miguel Arizmendi Martinez, Plaintiff(s)

vs.

CASE NO: A-20-827093-C

DEPT. NO: XIX

Smith's Food & Drug Centers Inc,

Defendant(s)

COMMISSIONER'S DECISION ON REQUEST FOR EXEMPTION

REQUEST FOR EXEMPTION FILED ON: February 12, 2021

EXEMPTION FILED BY: Plaintiff OPPOSITION: No

DECISION

Having reviewed the Request for Exemption, and all related pleadings, the Request
for Exemption is hereby GRANTED.

DATED this 3rd of March, 2021.



ADR COMMISSIONER

NOTICE

Pursuant to Nevada Arbitration Rule 5(D), you are hereby notified you have five (5) days from the date you are served with this document within which to file written objections with the Clerk of Court and serve all parties. The Commissioner's Decision is deemed served three (3) days after the Commissioner's designee deposits a copy of the Decision in the U.S. Mail. **Pursuant to NEFCR Rule 9(f)(2) an additional 3 days is not added to the time if served electronically (via e-service).**

A copy of the foregoing Commissioner's Decision on Request for Exemption was electronically served, pursuant to N.E.F.C.R. Rule 9, to all registered parties in the Eighth Judicial District Court Electronic Filing Program on the date of e-filing.


If indicated below, a copy of the foregoing Commissioner's Decision on Request for Exemption was also:

☐ Placed in the folder of counsel maintained in the Office of the Clerk of Court on _____, 2021.

☐ Mailed by United States Postal Service, Postage prepaid, to the proper parties listed below at their last known address(es) on _____, 2021.

/s/ Loretta Walker
ADR COMMISSIONER'S DESIGNEE

Electronically Filed
5/14/2021 2:50 PM
Steven D. Grierson
CLERK OF THE COURT



1 **DMJT**

2 JERRY S. BUSBY

3 Nevada Bar #001107

4 COOPER LEVENSON, P.A.

5 3016 West Charleston Boulevard - #195

6 Las Vegas, Nevada 89102

7 (702) 366-1125

8 FAX: (702) 366-1857

9 jbusby@cooperlevenson.com

10 Attorneys for Defendant

11 SMITH'S FOOD & DRUG CENTERS, INC.

12 DISTRICT COURT

13 CLARK COUNTY, NEVADA

14 MIGUEL ANGEL ARIZMENDI

15 MARTINEZ, an individual,

CASE NO.: A-20-827093-C

DEPT. NO.: XIX

16 Plaintiff,

17 vs.

18 SMITH'S FOOD & DRUG CENTERS, INC.,
19 a foreign corporation; DOE & ROE
20 MAINTENANCE EMPLOYEES; DOE &
21 ROE MAINTENANCE COMPANIES; DOE
22 & ROE EMPLOYEES; DOE & ROE
23 EMPLOYERS; DOE OWNERS I-V; ROE
24 OWNERS I-V; ROE EMPLOYERS I-V;
25 DOES I-V; and ROE COMPANIES I-V,

DEMAND FOR JURY TRIAL

26 Defendants.

27 DEMAND IS HEREBY MADE on behalf of Defendant, SMITH'S FOOD & DRUG CENTERS,
28 INC., by and through its attorney of record, JERRY S. BUSBY, ESQ., of the law firm COOPER

29 ///

30 ///

31 ///

32 ///

33 ///

34 ///

35 ///

36 ///

1 LEVENSON, P.A., for trial by jury in the above-entitled matter.

2 Dated this 14th day of May, 2021.

3 COOPER LEVENSON, P.A.

4
5 By /s/ Jerry S. Busby

6 Jerry S. Busby

7 Nevada Bar #001107

8 3016 West Charleston Boulevard - #195

9 Las Vegas, Nevada 89102

10 Attorneys for Defendant

11 SMITH'S FOOD & DRUG CENTERS, INC.

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of COOPER LEVENSON, P.A. and that on this 14th day of May, 2021, I did cause a true copy of the foregoing **DEMAND FOR JURY TRIAL** to be served upon each of the parties listed below via electronic service through the Eighth Judicial District Court's Odyssey E-File and Serve System:

Darren J. Lach, Esq.
ERIC BLANK INJURY ATTORNEYS
7860 West Sahara Avenue – Suite 110
Las Vegas, NV 89117
Attorneys for Plaintiff

By /s/ Theresa H. Rutkowski
An Employee of
COOPER LEVENSON, P.A.